

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOTICE OF BELL SOUTH)	
TELECOMMUNICATIONS, INC. TO)	CASE NO.
DISCONNECT E-Z PHONE, INC. FOR NON-)	2004-00447
PAYMENT)	

O R D E R

On November 15, 2004, BellSouth Telecommunications, Inc. ("BellSouth") provided written notice to the Commission of its intent to disconnect E-Z Phone, Inc. ("E-Z Phone") for nonpayment of bills. BellSouth asserts the unpaid amount is \$10,288.59, of which \$4,075.82 is for services provided in Kentucky. BellSouth plans to discontinue services to E-Z Phone if payments are not received. Disconnection of E-Z Phone services will impact approximately 81 Kentucky customers.

BellSouth requests authorization to invoke the Emergency Service Continuity Tariff approved by this Commission on May 20, 2003 in Case No. 2002-00310.¹ Invoking this tariff is necessary only if E-Z Phone has not notified its end-users of the service disconnection. If the Emergency Service Continuity Tariff is invoked, BellSouth will continue to provide telephone service to E-Z Phone's customers for a minimum of 14 days after E-Z Phone ceases to operate.

¹ Case No. 2003-00310, Customer Billing and Notice Requirements for Wireline Telecommunications Carriers Providing Service in Kentucky.

The Commission, having reviewed BellSouth's notice and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. E-Z Phone shall notify the Commission within 7 calendar days of the date of this Order of its intent to pay the delinquent bill to BellSouth within 10 days of the date of this Order or, in the alternative, of its intent to notify its end-users of the proposed service disconnection. Such written comments shall include a copy of E-Z Phone's customer notice and an affidavit indicating when the notice was mailed and the number of Kentucky customers to whom it was mailed.

2. A copy of BellSouth's notice of intent to disconnect E-Z Phone is attached hereto and incorporated herein.

3. If E-Z Phone has not responded as prescribed in Ordering Paragraph 1 within 7 calendar days of the date of this Order, BellSouth shall implement the procedures established in its Emergency Service Continuity Tariff.

4. A copy of this Order shall be sent by certified mail to E-Z Phone.

Done at Frankfort, Kentucky, this 24th day of November, 2004.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:


Executive Director



BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Room 410
Louisville, KY 40203

Joan.Coleman@bellsouth.com
jcoleman6@imcingular.com

Joan A. Coleman
Vice President
Regulatory & External Affairs

502-582-2167
Fax 502-582-2140

November 10, 2004

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

Case 2004-00447

RECEIVED
NOV 15 2004
PUBLIC SERVICE
COMMISSION

Dear Ms. O'Donnell:

Pursuant to the Kentucky PSC's May 20, 2003 order in KY PSC Case No. 2002-0310, BellSouth is providing advance notice to the Kentucky Public Service Commission (PSC) of BellSouth's intent to disconnect E-Z Phone, Inc. ("E-Z Phone") for non-payment.


BellSouth's records indicate that E-Z Phone is delinquent in payment of its bills to BellSouth in the amount of \$10,288.59. Of this amount, \$4075.82 is overdue for services provided in Kentucky to E-Z Phone. Attempts to collect past due amounts from E-Z Phone have been unsuccessful. BellSouth made numerous written notifications to E-Z Phone informing them of BellSouth's intent to suspend or terminate services consistent with the terms and conditions of the Resale Agreement between E-Z Phone and BellSouth. Attached is BellSouth's last written notice to E-Z Phone. On or about November 18, 2004, BellSouth will begin to discontinue services provided to E-Z Phone if payments are not received by November 17, 2004. Disconnection of E-Z Phone services will affect approximately 81 of its Kentucky customers.

Under terms of their Resale Agreement, E-Z Phone is solely responsible for notifying its end users of the proposed service disconnection. BellSouth is copying E-Z Phone to remind them of their obligation to notify their end users of this situation regarding pending disconnection of services.

Should the Commission determine the need to invoke BellSouth's Emergency Service Continuity Tariff, BellSouth will take steps to notify the affected end users and inform them that they may continue to receive telecommunications services through The Emergency Services Continuity Plan for a minimum of fourteen (14) days and that the end user must transition to a new service provider.

Should you or the staff have any questions concerning this filing or need additional information, Mike Hayden, of my staff, is familiar with this matter and can be reached on (502) 582-8180.

Very truly yours,


Joan A. Coleman

cc: E-Z Phone Communications, Inc.
Attn: Mr. Woodrow Holman
Attn: Ms. Amy Topper

Attachment

Attachment

November 3, 2004

E-Z Phone, Inc.
Attention: Mr. Woodrow Holman
1095 Home Avenue, Suite B
Akron, Ohio 44310

Attention: Ms. Amy Topper
520 South Main Street, Suite 2446
Akron, Ohio 44311

PLEASE REMIT PAYMENT TO:
BellSouth
Attention: PRO-CABS
250 Williams Street NW
Suite 5020 NW
Atlanta, Georgia 30303

Dear Mr. Holman and Ms. Topper:

Attempts to collect past due amounts from E-Z Phone have been unsuccessful and to date full payment has not been received. All accounts are currently in default in the amount of \$10,288.59 and subject to disconnection. A breakdown of these accounts is \$4,075.82 in Kentucky, and \$6,212.77 in Tennessee. Pursuant to the Resale Agreement between BellSouth Telecommunications, Inc. and E-Z Phone consider this letter written notice that BellSouth will proceed with the discontinuance of existing services in Kentucky and Tennessee on November 10, 2004. Pursuant to the Agreement, it is E-Z Phone's responsibility to notify its end users of this impending disconnection. In addition, if any of E-Z Phone's end users have a Local Service Freeze this freeze will be removed at the time of discontinuance to give the end user the ability to choose a new local provider.

In order to continue services, E-Z Phone must pay, in immediately available funds, the present undisputed balance in the sum of \$10,288.59 to BellSouth. In order to prevent disconnection of services in Kentucky, E-Z Phone must pay \$4,075.82. In order to prevent disconnection of services in Tennessee, E-Z Phone must pay \$6,212.77. Also, payments are expected for any current charges that may become due before November 10, 2004. If service is interrupted, full non-recurring charges will be applicable to reestablish service. In addition, if there is an outstanding request for new or additional security, that request will need to be addressed before service is re-established.

If you have questions regarding your account, please contact your Collections Service Representative, Debra Harris, at (205) 714-5851, Extension 6-7489.

Sincerely,

Original signed by Gary Patterson